

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Larry G. Philpot, an individual)	
)	
Plaintiff;)	COMPLAINT
)	
vs.)	Civil Action No.
)	
Answers.com Corporation, a Delaware Corp.; and DOES 1-10,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
)	

COMPLAINT

Larry G. Philpot ("Philpot") complains against defendant Answers.com Corporation ("Answers.com") and Does 1-10 as follows:

JURISDICTION AND VENUE

1. This civil action arises against Defendants for copyright infringement in breach of the United States Copyright Act, under 17 U.S.C. § 101 *et seq.*, as well as for violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1202 *et seq.* This Court has jurisdiction over this action under 28 U.S.C. § 1331, 17 U.S.C. § 501(a), 17 U.S.C. § 1202, and 28 U.S.C. § 1338.

2. This Court has personal jurisdiction over Answers.com by virtue of the fact that it transacts and does business in this District. Upon information and belief, Answers.com maintains a primary business location in St. Louis, Missouri. Moreover, the Answers.com website targets residents in this District.

3. Further, a substantial part of the relevant events described more in-depthly below occurred in this District.

4. Venue is also proper in this District pursuant to 28 U.S.C. §§ 1391(b) and 1400(a) because the Answers.com website targets residents in this District, and because a substantial part of the events or omissions giving rise to the claims occurred in this District.

PARTIES

5. The Plaintiff, Larry G. Philpot (Philpot) is a professional photographer who works exclusively with concert events across the U.S., and resides in Indianapolis, Indiana.

6. Defendant Answers.com operates a website that provides questions on topics both popular in the current news media, as well as questions on topics relevant to a broad audience, and answers to those questions. Answers.com also provides various images upon its website that are related to the question-at-hand. Answers.com's unlawful display of copyrighted images belonging to Plaintiff constitutes the substance of this current suit. Answers.com operates its website at <http://www.answers.com>. Answers.com is a Delaware limited liability corporation, organized and existing under the laws of the State of Delaware, with its principal place of business located in St. Louis, Missouri.

7. Defendants DOES 1 through 10, inclusive, are other parties not yet identified who have infringed Plaintiff's copyrights, contributed to the infringement of Plaintiff's copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

8. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope

of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of all facts.

FACTS COMMON TO ALL COUNTS

THE REGISTERED NUGENT PHOTO

9. On July 31, 2013, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Ted Nugent in performance in Indianapolis, Indiana. The photograph is an original work that is copyrighted under United States law with the United States Copyright Office on August 21, 2013 with the Certificate Number VAu 1-164-624. A copy of the registration is attached hereto as **Exhibit A**.

10. The Nugent Photo was first published on the World Wide Web September 21, 2013 to the Wikipedia website. The original full size photo is referenced at: **<http://bit.ly/1IBAeWV>**, and is attached as **Exhibit B-1**.

11. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Nugent Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

12. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-1**.

13. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Nugent Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Nugent photo that was unlawfully displayed on Defendant's website is attached as **Exhibit D-1**. Defendant not only unlawfully displayed Plaintiff's copyrighted Nugent image without permission or consent, but also removed Plaintiff's copyright management information, including Plaintiff's watermark, from the Nugent image before displaying the Nugent image upon its website.

14. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party's distribution, display and public and sharing—the photo of entertainer Nugent, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

15. Plaintiff Philpot has either published or licensed for publication all copies of the Nugent Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED NELSON PHOTO

16. On October 4, 2009, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Willie Nelson in performance in St. Louis, MO. The photograph is an original work that is copyrighted under United States law with the United States Copyright Office on September 5, 2012 with the Certificate Number VAu 1-132-411. A copy of the registration is attached hereto as **Exhibit A**.

17. The Nelson Photo was first published on the World Wide Web May 31, 2011 to the Wikipedia website. The original full size photo is referenced at: [http://en.wikipedia.org/wiki/Willie_Nelson#mediaviewer/File:Willie_Nelson_at_Farm_Aid_2009 - Cropped.jpg](http://en.wikipedia.org/wiki/Willie_Nelson#mediaviewer/File:Willie_Nelson_at_Farm_Aid_2009_-_Cropped.jpg), and is attached as **Exhibit B-2**.

18. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Nelson Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

19. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-2**.

20. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Nelson Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Nelson photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-2**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Nelson image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Nelson image before displaying the Nelson image upon its website.

21. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made

available specifically for advertising, third party's distribution, display and public and sharing—the photo of entertainer Nelson, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

22. Plaintiff Philpot has either published or licensed for publication all copies of the Nelson Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED ALLMAN PHOTO

23. On April 30, 2011, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Devon Allman in performance in Memphis, TN. The photograph is an original work that is copyrighted under United States law with the United States Copyright Office on May 17, 2013 with the Certificate Number VAu 1-164-648. A copy of the registration is attached hereto as **Exhibit A**.

24. The Allman Photo was first published on the World Wide Web October 4, 2013 to the Wikipedia website. The original full size photo is referenced at: [http://commons.wikimedia.org/wiki/File:Devon Allman.jpg](http://commons.wikimedia.org/wiki/File:Devon_Allman.jpg) and is attached as **Exhibit B-3**.

25. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Allman Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

26. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry

Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-3**.

27. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Allman Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Allman photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-3**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Allman image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Allman image before displaying the Allman image upon its website.

28. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer Allman, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

29. Plaintiff Philpot has either published or licensed for publication all copies of the Allman Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED DAUGHTRY PHOTO

30. On August 2, 2013, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Chris Daughtry in performance in Indianapolis, IN. The photograph is an original work that is copyrighted under United States law with the United States Copyright

Office on August 21, 2013 with the Certificate Number VAu 1-164-624. A copy of the registration is attached hereto as **Exhibit A**.

31. The Daughtry Photo was first published on the World Wide Web September 12, 2013 to the Wikipedia website. The original full size photo is referenced at: http://commons.wikimedia.org/wiki/File:Daughtry_2013.jpg and is attached as **Exhibit B-4**.

32. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Daughtry Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

33. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-4**.

34. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Daughtry Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Daughtry photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-4**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Daughtry image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Daughtry image before displaying the Daughtry image upon its website.

35. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer Daughtry, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

36. Plaintiff Philpot has either published or licensed for publication all copies of the Daughtry Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED LANG PHOTO

37. On September 5, 2011, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Jonny Lang in performance in Indianapolis, IN. The photograph is an original work that is copyrighted under United States law with the United States Copyright Office on May 17, 2013 with the Certificate Number VAu 1-164-648. A copy of the registration is attached hereto as **Exhibit A**.

38. The LANG Photo was first published on the World Wide Web October 4, 2013 to the Wikipedia website. The original full size photo is referenced at: http://commons.wikimedia.org/wiki/File:Jonny_Lang.jpg and is attached as **Exhibit B-5**.

39. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Lang Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

40. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide

attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-5**.

41. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Lang Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Lang photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-5**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Lang image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Lang image before displaying the Lang image upon its website.

42. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer Lang, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

43. Plaintiff Philpot has either published or licensed for publication all copies of the Lang Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED GRAY PHOTO

44. On April 30, 2011, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Macy Gray in performance in Memphis, TN. The photograph is an original work that is copyrighted under United States law with the United States Copyright

Office on May 17, 2013 with the Certificate Number VAu 1-164-648. A copy of the registration is attached hereto as **Exhibit A**.

45. The Gray Photo was first published on the World Wide Web October 4, 2013 to the Wikipedia website. The original full size photo is referenced at: <http://commons.wikimedia.org/wiki/File:Macy.jpg> and is attached as **Exhibit B-6**.

46. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Gray Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

47. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-6**.

48. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Gray Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Gray photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-6**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Gray image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Gray image before displaying the Gray image upon its website.

49. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer Gray, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

50. Plaintiff Philpot has either published or licensed for publication all copies of the Gray Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED YOUNG PHOTO

51. On October 2, 2010, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainer Neil Young in performance in Milwaukee, WI. The photograph is an original work that is copyrighted under United States law with the United States Copyright Office on May 17, 2013 with the Certificate Number VAu 1-164-648. A copy of the registration is attached hereto as **Exhibit A**.

52. The Young Photo was first published on the World Wide Web October 4, 2013 to the Wikipedia website. The original full size photo is referenced at: http://commons.wikimedia.org/wiki/File:Neil_Young_2010.jpg and is attached as **Exhibit B-7**.

53. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the Young Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

54. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide

attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-7**.

55. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the Young Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the Young photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-7**. Defendant not only unlawfully displayed Plaintiff’s copyrighted Young image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the Young image before displaying the Young image upon its website.

56. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer Young, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

57. Plaintiff Philpot has either published or licensed for publication all copies of the Young Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

THE REGISTERED REO PHOTO

58. On June 11, 2011, the Plaintiff, Larry Philpot, a United States citizen, took a photograph of entertainers REO Speedwagon in performance in Anderson, IN. The photograph is an original work that is copyrighted under United States law with the United States Copyright

Office on May 17, 2013 with the Certificate Number VAu 1-164-648. A copy of the registration is attached hereto as **Exhibit A**.

59. The REO Photo was first published on the World Wide Web October 4, 2013 to the Wikipedia website. The original full size photo is referenced at: <http://commons.wikimedia.org/wiki/File:REO.jpg> and is attached as **Exhibit B-8**.

60. In an effort to increase his marketability and reputation, and to gain more work, Philpot agreed to make the REO Photo generally available through Wikimedia for distribution, public display, and public digital performance under the Creative Commons Attribution 3.0 Generic license (often abbreviated as CC BY 3.0)

61. The restrictions of Section 4 of CC BY 3.0 require the licensee to (a) reference CC BY 3.0, with every copy of the photograph used (the “share alike” provision) and (b) provide attribution in the manner specified by the author, which is required to be: “Photo by Larry Philpot, www.soundstagephotography.com.” A copy of the license and attribution requirement is attached as **Exhibit C-8**.

62. Defendant, for driving traffic to its respective websites, has used without authorization or attribution, the REO Photograph on its website at <http://www.answers.com>. Defendant owns, operates, or has a financial interest in or benefit from the website. A screen shot of the REO photo that was unlawfully displayed on Defendant’s website is attached as **Exhibit D-8**. Defendant not only unlawfully displayed Plaintiff’s copyrighted REO image without permission or consent, but also removed Plaintiff’s copyright management information, including Plaintiff’s watermark, from the REO image before displaying the REO image upon its website.

63. Despite having no permission, consent, or license to do so, Defendant has for commercial gain and purpose reproduced, distributed, and publicly displayed—as well as made available specifically for advertising, third party’s distribution, display and public and sharing—the photo of entertainer REO, with the DMCA Copyright management information and metadata stripped from all versions of the photos.

64. Plaintiff Philpot has either published or licensed for publication all copies of the REO Photo, in compliance with the copyright laws and has remained the sole owner of the copyright.

FIRST CLAIM FOR RELIEF

Copyright Infringement, 17 U.S.C. § 501

65. Plaintiff, Philpot incorporates herein by reference the allegations in paragraphs 1 - 64, above.

66. As referenced herein, the Nelson, Allman, Daughtry, Lang, Gray, Young, Nugent, and REO photographs referenced at **Exhibits B 1-8** are referred collectively as the “Photos”.

67. Philpot is the owner of all rights, title, and interest in the copyrights to the Photos, which consist of material wholly original with Plaintiff and which are copyrighted subject matter under the laws of the United States. Philpot has complied in all respects with the Copyright Act and all of the laws of the United States governing copyrights. The Photos have been timely (specifically for purposes of Plaintiff’s recovery of attorneys’ fees and statutory damages) registered with the United States Copyright Office.

68. Defendant has directly, vicariously and/or contributorily infringed Philpot’s copyrights by reproducing, displaying, distributing and utilizing Plaintiff’s Photos for purposes of trade in violation of 17 U.S.C. § 501 et seq.

69. Defendant has willfully infringed Philpot's copyrights by altering the Photos, by reproducing, displaying, distributing and utilizing the Photos for purposes of trade, and still further by removing, or causing to be removed, the Identifying Metadata, and Copyright Management Information, and by failing to provide the required attribution to the author and copyright owner, Philpot, in any manner.

70. Due to Defendant's acts of copyright infringement, Plaintiff has suffered substantial damages in an amount to be established at trial.

71. Due to Defendant's acts of copyright infringement as alleged herein, Defendant has obtained direct and indirect profits it would not otherwise have realized but for its infringement of the Photos. As such, Plaintiff is entitled to disgorgement of Defendant's profits directly and indirectly attributable to Defendant's infringement of the Photos, in an amount to be established at trial.

72. Plaintiff is informed and believes and thereon alleges that Defendant has committed the acts of infringement alleged herein with actual knowledge or reckless conduct, including but not limited to by continuing to display and distribute the Photos after receiving a written demand to cease and desist infringement of the same from Plaintiff, thus acting in disregard to Plaintiff's rights such that Plaintiff is entitled to a finding of willful infringement.

SECOND CLAIM FOR RELIEF

For Violations of the Digital Millenium Copyright Act, 17 U.S.C. §§ 1202 and 1203

73. Plaintiff Philpot incorporates here by reference the allegations in paragraphs 1 through 72 above.

74. Plaintiff is informed and believes and thereon alleges that Defendant violated 17 U.S.C. §1202 et seq. by intentionally removing Plaintiff's attribution and copyright management

information from the Photos. Specifically, Plaintiff is informed and believes, and thereon alleges, that Defendant took the Subject Photos from Wikipedia and other online locations where they included metadata identifying Plaintiff as the photographer and owner, and scraped that rights management information prior to their unauthorized reposting and distributing of those works /or altering the attribution and copyright management information on said works to the public.

75. Defendant removed the attribution and copyright management information and distributed the stripped copies with knowledge that the copyright management information had been removed or altered without authority of the copyright owner or the law, and distributed and publicly displayed the infringing copies knowing that the copyright management information had been removed or altered without authority of the copyright owner or the law, and knowing, or, with respect to civil remedies under § 1203, having reasonable grounds to know, that the conduct would induce, enable, facilitate, or conceal an infringement of Plaintiff's rights.

76. The above conduct is in violation of the Digital Millennium Copyright Act and exposes Defendants to additional and enhanced common law and statutory damages and penalties, including in the form of Plaintiff's costs and attorneys' fees.

77. Plaintiff is informed and believes and thereon alleges that Defendant's conduct as alleged herein was willful, reckless, and/or with knowledge, and Plaintiff resultantly seeks enhanced damage and penalties. Specifically, Plaintiff is informed and believes and thereon alleges that Defendant knowingly and intentionally removed Plaintiff's rights management information from the Subject Photos and continued to display and distribute the scraped Photos after receiving a written demand to cease and desist infringement of the same from Plaintiff.

78. Due to Defendant's actions, Plaintiff has suffered substantial damages in an amount to be established at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

- a. That Defendant and its respective agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Photographs;
- b. That Plaintiff be awarded all profits of Defendant, and each of them, plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendant through its infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded damages for Defendant's violations of 17 U.S.C. § 1202, including all available damages under 17 U.S.C. § 1203;
- d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act 17 U.S.C. § 101 et seq.;
- e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- f. That Plaintiff be awarded the costs of this action; and
- g. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff Larry Philpot hereby demands trial by jury of all issues so triable under the law.

Dated this 4th day of May, 2018.

Respectfully submitted,

/s/Keith J. Grady
Keith Grady (Bar #46757MO)
kgrady@polsinelli.com
Polsinelli PC
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
(314) 889-8000
ATTORNEY FOR PLAINTIFF
LARRY PHILPOT, an individual